

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES,

v.

**PATRICK KEOGAN,
Defendant**

M.J. No. 16-MJ-7186-JCB

FILED UNDER SEAL

**AFFIDAVIT OF SPECIAL AGENT DAVID S. BELL IN SUPPORT OF AN
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Special Agent David S. Bell, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation and have been so employed for over 13 years. I have been assigned to the Public Corruption/Civil Rights Squad for over 10 years, where I currently investigate primarily civil rights crimes, including hate crimes. Previously, I investigated counter-terrorism matters and public corruption matters. I have received on-the-job training and attended training courses sponsored by the FBI and the Department of Justice on these types of investigations. I have been involved in many complex investigations. I have interviewed defendants, witnesses, and victims. I have conducted surveillance, worked with confidential informants, and participated in investigations using court-authorized interception of wire and electronic communications. During my law enforcement career, I have also participated in the preparation and execution of search and arrest warrants. Based upon my training and experience and the training and experience of others at the FBI with specialized knowledge, I am familiar with methods of communication between

individuals conducting illegal activity, which include Facebook postings, comments and photographs used in furtherance of these illegal activities.

2. I submit this affidavit to apply for a criminal complaint charging Patrick Keogan with two counts of violating 18 U.S.C. § 844(e), for using an instrument of interstate or foreign commerce to willfully make a threat to injure or intimidate another individual or to unlawfully damage or destroy a building by means of fire, and one count of violating 18 U.S.C. § 922(g)(1), for having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year and thereafter shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any ammunition, or receiving ammunition which has been shipped or transported in interstate or foreign commerce, and 18 U.S.C. § 924(a)(2), which punishes the knowing violation of § 922(g) (1).

3. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents, FBI intelligence analysts, and witnesses. This affidavit is being submitted for the limited purpose of establishing probable cause for the requested criminal complaint and arrest warrant, and therefore does not set forth all my knowledge about this matter.

***PROBABLE CAUSE TO BELIEVE THAT KEOGAN VIOLATED 18 U.S.C. § 844(e)
(THREAT TO UNLAWFULLY DAMAGE OR DESTROY A BUILDING
BY MEANS OF FIRE)***

A. Facebook

4. Facebook is an online social networking service accessible at the www.facebook.com website or via an application (“app”) that can be installed on computer equipment, including a tablet or a cellular phone. Facebook users can use the website or the app to create profiles and share personal and biographical information; share various content and

media including by uploading photographs and videos and sending links to other content; and communicate with other users in a variety of ways, from public discussions to private messaging.

5. The first page of a Facebook account displays a “Vanity Name” and the space for both a “Profile Picture” and a “Cover Photo.” When users create a Facebook account, they provide Facebook with information to begin building their online Facebook profile, including selecting a Vanity Name and e-mail address that will be associated with the account. The user may choose to provide other information for the “About Me” section of the page, including basic information such as where the user lives, works, and attends or attended school. This information is then displayed on the user’s page. The user may also provide Facebook with other contact information, such as phone numbers and e-mail addresses. In addition, Facebook captures certain basic information about the new account, including the registration date and the IP address used to create the account. Further, Facebook assigns a unique identifier to the account.

6. Users can build their online profile continually, and in my training and experience it is common for users to add and edit biographical information – for instance by updating on a new job or changing a “relationship status” to reflect changes in their life. Facebook may actively prompt users to provide or confirm information, for instance, by asking the user to confirm that they live in a particular city.

7. Facebook encourages users to form connections with other users on the site, most fundamentally by allowing users to connect as “Friends.” A Facebook user creates a “Friend” connection by inviting another Facebook user to confirm that they are “Friends.” When the request is accepted, the connection is created.

8. In addition to the Profile Picture and Cover Photo, a Facebook user can also post

additional photos or even entire photo albums. In my training and experience, Facebook users frequently build their profiles by uploading and changing photographs on their account. Many users own mobile devices that contain cameras, and it is common for mobile cameras and popular camera mobile applications (such as Instagram, an application owned by Facebook) to prompt users to post pictures to their Facebook accounts after a photo is taken. A Facebook user can also refer to other Facebook users who appear in a photo by “tagging” them in the photograph using their Vanity Name. A Facebook user can adjust their privacy settings to require that they confirm a tag before it can be successfully applied.

9. Facebook users can comment on their own photographs and other users’ photographs, or indicate that they “Like” a particular image. In addition to photographs, users can write messages, or “Status Updates,” on their page. This was traditionally referred to as their “wall” or a “wall post,” and is now called a “Timeline.” Unless the user actively hides them, older postings may be viewable on the users’ account by looking back through the Timeline. Users can also add “life events” with a date on their Timeline, such as the date they began a particular job or were married. As with photographs and other content, users can select who can view their posts – allowing them to be visible publicly (the default) or limiting their display to only a selected group of individuals.

10. Facebook offers a variety of privacy settings. The Vanity Name and the Profile Picture and Cover Photo are publicly visible to anyone who visits the user’s page, and are generally searchable. Users can keep their entire profile open publicly as well, which allows all of the profile’s content and information to be viewed by anyone at all. Users can also make the content of their page visible only to users who have been confirmed as Friends, or visible to both

Friends and anyone confirmed as a Friend of their Friend (exponentially increasing the number of people that can view that content). Further, users can create lists within their Friends and allow certain content to be viewed only by subgroups of their Friends (*e.g.*, Friends designated as “Work Friends,” or “Family”).

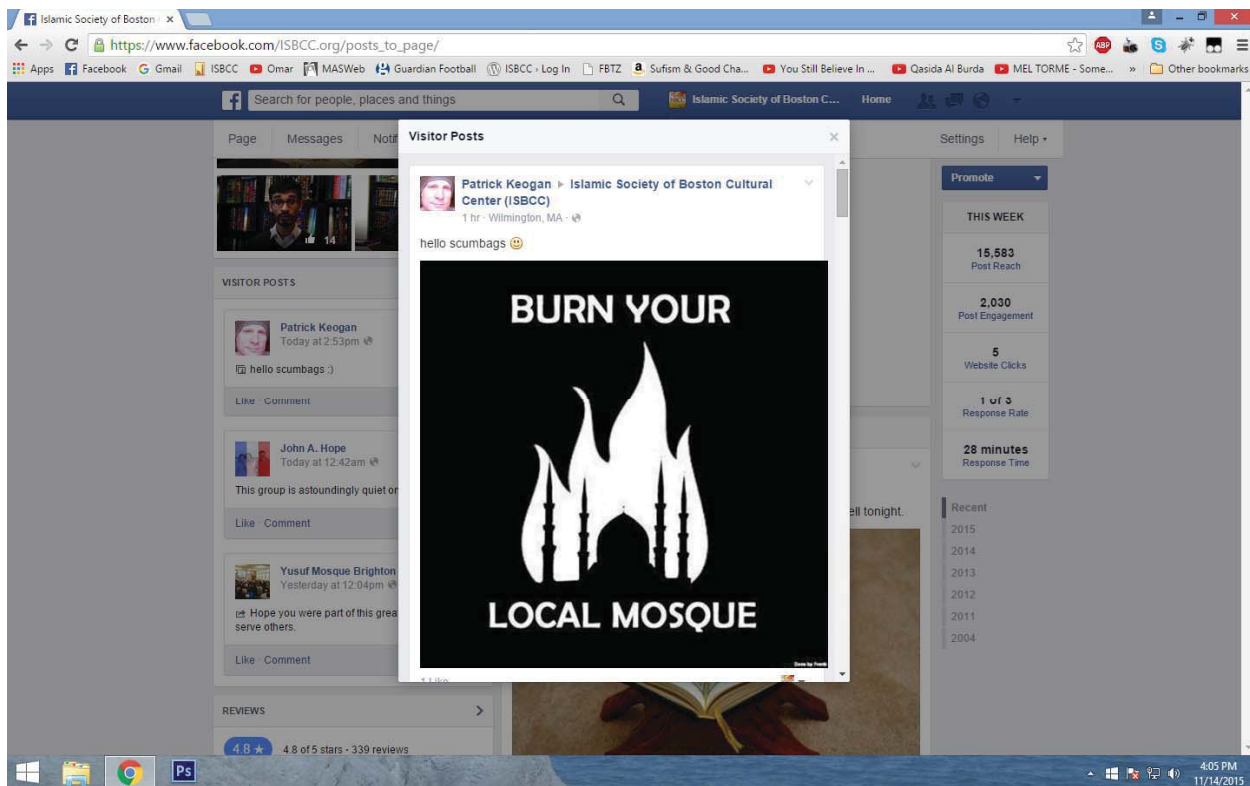
11. The user can also exchange private messages with other Facebook users, as well as to e-mail addresses. These messages are viewable only by the recipient.

B. The Threats and Identification of Keogan’s Facebook Account

12. The Islamic Society of Boston Cultural Center (ISBCC) is located in Roxbury, Massachusetts. It considers itself the spiritual hub for Muslims living and working in the greater Boston area. According to its website, the ISBCC is New England’s largest mosque and offers a variety of educational, spiritual, and social services.

13. Based on interviews and other investigation, I learned that on November 14, 2015, the ISBCC’s Marketing Director discovered a threat posted to the ISBCC’s Facebook page.

14. The subject line of the post on the ISBCC’s Facebook page was addressed to “Hello scumbags” next to a smiley face emoji. The post itself was an image depicting an outline of a black domed building with four minarets (presumed, in context, to be a mosque) set on a field of white flames with white lettering superimposed that stated “Burn your local mosque.” This is a screenshot of that post, provided by the ISBCC:



15. The Marketing Director notified the ISBCC's Executive Director of the threatening message. Although it is not uncommon for the ISBCC to receive hateful and anti-Muslim messages, the Executive Director's initial reaction to this post was fearful because the post occurred in the immediate aftermath of the November 13, 2015 terrorist attacks in Paris, which authorities attributed to Muslim extremists. The Marketing Director subsequently notified federal law enforcement authorities and removed the post from the ISBCC Facebook page per ISBCC policy.

16. The threatening post included the posting account's display name as "Patrick Keogan," the location of "Wilmington, MA," and a profile photo of a white male with blue eyes wearing a watch cap with brown, red and light blue stripes. I conducted a Facebook search for all accounts with display names of "Patrick Keogan," and identified a match for the threatening post:

a Facebook account with the display name of “Patrick Keogan” and a unique account identifier of “PatKeogan” (formerly 1000000500865115). The profile photo for the PatKeogan account, also a white male with blue eyes wearing a watch cap with brown, red and light blue stripes, matched the profile photo of the threatening message that the ISBCC had provided the FBI. The vanity name “Patrick Keogan” was publicly viewable on the home page, and the account identifier “PatKeogan” was publicly viewable via the Universal Resource Locator (URL).

17. Although the PatKeogan account made its posts public, the threatening message was not publicly viewable on this account, because when a Facebook user posts to another user’s page, the post is viewable only on the page to which it is posted, not on the page belonging to the poster. In this case, the threat had been posted to the Facebook page for the ISBCC.

18. In addition, on November 17, 2015, the Northeastern University Police Department received a report that a person named Patrick Keogan, with the same profile photo, posted the same threatening message on the Facebook page of the Islamic Society of Northeastern University (ISNU).

19. The publicly-viewable content from the PatKeogan account included derogatory/anti-Islamic comments regarding Muslims, though not directly addressing any specific members of the Muslim community. The PatKeogan account also contained posts deriding the Jewish faith, “brown people,” homosexuals and liberals. The cover photo depicted a picture of a World War Two era German soldier with the caption “I tried to prevent this but you killed me.” Other postings included a caricature of a man wearing a yarmulke standing in front of the Hollywood sign. The Facebook Vanity Name associated with the PatKeogan account was “Patrick Keogan – A. Wyatt Mann.” Public database checks show that A. Wyatt Mann (which,

when stated aloud, sounds like “a white man”) was the pseudonymous name of a well-known racist cartoonist. The person who owned the PatKeogan account also belonged to a closed Facebook group called the “Aryan Army.”¹

20. From publicly-available information, it appears that the person who used the PatKeogan account was the person who posted the threat on the ISBCC’s and the ISNU’s Facebook pages. As of January 4, 2015, the PatKeogan account still displayed a photo of a white man with blue eyes wearing a watch cap with brown, red and light blue stripes. The profile photo for the PatKeogan account from November 14, 2015, appears to depict the account’s owner and user.

21. The person depicted in the profile photos from the November 14, 2015, posting on the ISBCC’s Facebook page, the ISNU Facebook page and other photos posted in the PatKeogan account bears a strong resemblance to the Massachusetts Registry of Motor Vehicles driver’s license photo for a man identified as Patrick Keogan, date of birth XX/XX/1972, Social Security Number XXX-XX-XXXX, and who resides at XXXX XXXXXX Street in Wilmington, Massachusetts.

22. In addition, according to law enforcement records, on or about March 16, 2013, an electrician in Boston reported Patrick Keogan, his apprentice, to the FBI for making threats against the U.S. Congress. FBI investigators conducted Google searches at the time and they showed that Keogan had a Facebook page entitled “Muhammed fuxpigs.” In a 2013 interview with FBI

¹ Although some of the facts set forth in this affidavit describe beliefs and activity that might otherwise be protected by the First Amendment, I set them forth nevertheless because they tend to establish probable cause to believe that the Target Account posted the threats, that it was Patrick Keogan who owned and used the Target Account to post the threats, that the communications were intended as threats, and that posting the threats was not protected by the First Amendment.

agents, Keogan stated that he is often vocal about his political beliefs, especially when drinking. Keogan stated that sometimes he “drinks too much.”

23. On or about December 22, 2015, FBI agents telephonically interviewed a person who identified himself as Keogan regarding the ISBCC Facebook post. Keogan said that he had reposted the burning mosque picture on Facebook after the Paris attacks. Keogan said that he had been upset and “dicking around online.” Keogan said that he was sorry and that he needs to smarten up as he is too old to act this way. Keogan also said that he does not intend to harm Muslims or commit any damage to mosques.

C. Search of Keogan’s Facebook Account

24. On January 22, 2016, the Court authorized a warrant to search and seize data associated with the Target Account.

25. On or about February 9, 2016, Facebook complied with the warrant by providing voluminous account records.

26. The records confirmed that the PatKeogan account was the Facebook account used to post the threats to the ISBCC and the ISNU and that the Patrick Keogan who lives at the address redacted above was the PatKeogan account’s owner and the threats’ author. According to the records:

- a. The name associated with the account is Patrick Keogan.
- b. The self-selected Vanity Names associated at one point or another with the account includes Patrick KillsMuslims Keogan, Patrick BanIslam Keogan, Patrick NatSoc Keogan, Patrick Shitlord Keogan and Patrick CyberBully Keogan.
- c. The profile photo for the PatKeogan account, a white male with blue eyes

wearing a watch cap with brown, red and light blue stripes, matched the profile photo of the threatening message that the ISBCC had provided the FBI.

d. The person in the PatKeogan account photographs mentioned above appears to be the same person depicted in the Massachusetts RMV photograph described above. The person in the Facebook photographs and the RMV photograph discussed above also appears to be the same person spotted exiting and entering the premises to be searched during surveillance. Although I personally have not seen Keogan enter or exit the house, a Wilmington police officer saw him leave the house on the date of a Marlboro gun show, after which I saw him at that gun show (see below). Moreover, after a GPS tracking device was installed on a vehicle registered to Keogan's wife and known to be driven by him, the vehicle was tracked to the premises to be searched after the Marlboro gun show and almost every day thereafter.

e. In conversations contained in the PatKeogan account, Keogan referred to himself as a lineman, and numerous photographs in the PatKeogan account, some apparently self-taken (*i.e.*, "selfies"), depict a person matching the description of Keogan wearing lineman's gear and working in, around, and on high-voltage electrical transmission towers. Information obtained apart from the PatKeogan account indicate that Keogan works as an electrician/high voltage electrical transmission lineman: public and law enforcement databases refer to this as his job; in a conversation with the FBI on or about May 6, 2013, a Patrick Keogan with the date of birth XX/XX/1972, the Social Security Account number redacted above, and the same residential address in Wilmington,

Massachusetts,² said that he worked as a high-voltage electrician who worked primarily on high power lines; and in a telephonic conversation with the FBI on or about December 22, 2015, a Patrick Keogan admitted that he is an electrician.

f. The PatKeogan account contains records that approve of burning mosques as early as 2013. On or about August 30, 2013, the PatKeogan account shared a post saying that “someone vandalized the Islamic Center of Burlington’s sign (that is placed at the mosque’s entrance) overnight with white spray paint,” about which the PatKeogan account user said “WHOEVER DID THIS I FUCKING LOVE YOU!!!!!!!!!!!!!!!!!!!!!!1.” In a comment on the post, the PatKeogan account user wrote, “I drive past thes [*sic*] all the time & have always wanted to run the fucking sign over.”

g. On or about November 14, 2013, the PatKeogan account shared a post with the following summary: “On July 4th, Joplin, Missouri's Islamic Center — the city's only mosque — suffered roof damage after an unidentified man set it on fire by tossing a burning object onto the building.” The PatKeogan account user wrote in response: “Somewhere out there is an unknown hero. The people’s champion. A true God amongst mortal men. May your days be many & troubles be few my good man.” In a comment to the post, the PatKeogan account user said, “It must have brought tears of joy to see the glory.”

h. On or about November 1, 2015, vandals threw eggs at and repeatedly spray-painted the word “USA” on the Islamic Center of Burlington, a mosque located in

² The Social Security Number and residential address match the Patrick Keogan listed in the RMV records referred to (and redacted) elsewhere in this affidavit; the date of birth differs in month, but not in the day of the month or the year.

Burlington, Massachusetts. In response, supporters of the mosque rallied there on November 4, 2015, in a show of support and to decry the acts of vandalism. On the date of the rally, November 4, 2015, the PatKeogan account user posted “Any info on a cuckold support rally for the Burlington Mosque we can go fuck up today???” Later the same day, the PatKeogan account user posted “Some kids spray painted ‘USA’ on it Halloween night, so CAIR is involved, they're facing hate crime charges & the Commies showed up today to support the Mosque. I worked but of course nobody would go raise Hell with me. A nation of spineless (expletive).”

i. The PatKeogan account contained an image of the burning mosque that is the same or substantially similar to the image in the threats to the ISBCC and the ISNU, and is also accompanied by the title “hello scumbags :)”, and was posted on November 14, 2015. Based on my training and experience, I am aware that the characters “:)” are sometimes translated by computer programs into the smiley face emoji that is depicted in the screenshot of the threatening Facebook post provided by the ISBCC.

j. On or about November 14, 2015, the PatKeogan account user searched for “Islamic Center of Boston (ICB Wayland),” “Civilized Debate About The Proposed Murfreesboro Islamic Center,” “Islamic Center of Burlington,” “Islamic Society of Northeastern University,” “Roxbury Mosque,” “Muhammad’s Mosque No. 11 (Boston),” “Yusuf Mosque Brighton,” and “mosque.” The search for the “Islamic Society of Northeastern University” occurred at 19:50:50 UTC (2:50:50 pm EST). Just under 3 minutes later, at 19:53:46 UTC (2:53:46 pm EST), the account user posted the same “burn your local mosque” image on his own Facebook account. As evidenced by the screenshot

supplied by the ISBCC, the same “burn your local mosque” image was discovered on the ISBCC’s Facebook page at 4:05 pm.

k. On or about November 15, 2015, Facebook records stated that “Patrick Keogan likes his own photo on Islamic Society of Boston Cultural Center (ISBCC)’s Timeline.”

l. The PatKeogan account contained even more recent records approving of burning mosques. On or about November 17, 2015, the PatKeogan Account posted a status update saying, “Canada enters the Mosque Burning Winter Olympics of 2016 early! Who will take the Gold? Who will take the Silver? and WHO will take the Bronze??? We'll have to wait til the snow clears to find out folks but lets keep our fingers crossed for some fierce competition! And remember- you (yes you) are a qualified competitor of your own nation- so get out there and help your Country be number one in this winter's Mosque Burning Olympics!”.

m. In the December 22, 2015 telephonic interview, the person identifying himself as Patrick Keogan said that he posted the image on the ISBCC’s page.

3. *Conclusion*

27. Based on all of the above, there is probable cause to believe that the PatKeogan account was the Facebook account used to post the threat to the ISBCC and the ISNU, that the Patrick Keogan who lives in Wilmington, Massachusetts was the PatKeogan account’s owner and the threats’ author, and that he intended them as threats.

***PROBABLE CAUSE TO BELIEVE THAT KEOGAN VIOLATED 18 U.S.C. § 922(g)
(FELON-IN-POSSESSION OF A FIREARM OR AMMUNITION) AND 18 U.S.C. § 924(a)(2)
(PUNISHING THE KNOWING VIOLATION OF § 922(g))***

A. Felony Convictions

28. According to Massachusetts criminal records for a Patrick Keogan who has the same personal identifiers as those listed above, Keogan has a 2000 felony conviction for operating a motor vehicle under the influence of liquor (second offense), which under M.G.L. ch. 90, § 24 was punishable by imprisonment for 60 days to two-and-a-half years; a 2006 felony conviction for assault and battery with a deadly weapon, for which he was sentenced to two years of imprisonment, 18 months committed and the balance suspended three years, and which under M.G.L. ch. 265, § 15A was punishable by up to ten years in prison, two-and-a-half years in the house of correction, a fine of up to \$5,000, or both imprisonment and a fine. Accordingly, 18 U.S.C. § 922(g) has prohibited Keogan from possessing a firearm or ammunition in or affecting interstate commerce since some time in 2000.

B. Facebook Evidence

29. The warrant to search the PatKeogan Account described (in its Attachment A) the property to be searched as “(1) the Facebook account associated with display name “Patrick Keogan” and unique account identification number “PatKeogan” (formerly 1000000500865115) (2) other user-generated data stored with this account; and (3) associated subscriber, transactional, and user connection information associated with the account, as described further in Attachment B,” all of which was maintained by Facebook.

30. The warrant (in its Attachment B), authorized the FBI to search and seize the Facebook data for “[e]vidence of using an instrument of interstate or foreign commerce to willfully make a threat to injure or intimidate another individual or to unlawfully damage or

destroy a building by means of fire, in violation of 18 U.S.C. § 844(e), from January 1, 2013, to the present.” Attachment B further specified that such evidence could include, in part,

1. Communications or other information relating to:
 - a. Threats to injure the person or property of another,
 - b. The intent to injure the person or property of another,
 - c. The acquisition of the means to injure the person or property of another, including the acquisition of weapons or ammunition, the means to travel, skills or techniques that could be used to injure the person or property of another, or
 - d. The actual injury of another person or the property of another,
 - e. The Islamic Society of Boston Cultural Center,
 - f. The Islamic Society of Northeastern University, or
 - g. The Islamic faith;
 - ...
3. The identity and past or present location of the user(s) of the account, and any co-conspirators; . . .

31. The PatKeogan account’s records indicated that, despite his statutory prohibition against owning firearms and ammunition, Keogan continued to buy, sell, trade, build, modify, possess and shoot firearms and ammunition. These records were within the four corners of the warrant provisions cited above, among others, and were also within plain view. Keogan frequently posted photographs of his weapons and also discussed obtaining weapons and weapon accoutrements, building weapons, and shooting his weapons.

32. For example, on or about June 21, 2013, Keogan posted a photograph showing the remnants of what appears to be several shaving cream cans at a rifle range, accompanied by the comment, “160 rounds thru the AR-10. Kicks like a mule, cycled 100% flawless. Took the stay

puff marshmallow man down. Bled out like a stuck pig. Gongs? 20/20 every time. Sounded sweet. BOOM-K'TING! How's the work day going? Ima go grab a cold one..."³ Based on my training and experience, and taking in context the photograph and other content within the search warrant return, I understand the comment and picture to mean that Keogan shot 160 rounds of ammunition from an AR-10. An AR-10 is an assault rifle manufactured by Armalite that fires large-caliber 7.62 x 51mm (.308 caliber) rounds.

33. In a Facebook conversation with several Facebook friends the same day, Keogan posted a photograph of a rifle ejection port cover engraved with the Greek phrase "Molon Labe," which I understand to be a classical expression of defiance whose translation from the Greek means "come and take them." (According to Herodotus, when the Persian armies demanded that the Greeks at the Battle of Thermopylae surrender their weapons, the Spartan King, Leonidas I, responded with "Molon Labe.") One of Keogan's friends responded, "I am glad to see you are buying an AR-15." Keogan replied, "I am building a Beowulf" and "It's an AR-10. 22's are for phagits." Based on the context and my training and experience, I understand that a Beowulf is a model of firearm, and that Keogan was claiming that he was building an AR-10 rifle rather than buying an AR-15 rifle, which he disparages with the term "phagit" because AR-10 rifles fire larger ammunition than do AR-15 rifles (.308 caliber versus .223 caliber (a/k/a .22 caliber)).

34. On or about July 25, 2013, Keogan posted a photograph that appears to show Keogan sitting on a couch and smiling while holding an assault rifle with a large-capacity magazine.

³ I have attempted throughout this affidavit to reproduce the Facebook records' text verbatim and without correction, but minor differences might have been introduced through inadvertent mistyping or my word-processor's autocorrect function.

35. On or about August 13, 2013, Keogan posted a photograph that appears to depict at least 27 loaded rifle magazines under the caption “Taking them to Pelham, NH tomorrow...you in?” Understood in context with another post, Keogan’s reference to “Pelham, NH” appears to mean a gun range in Pelham, New Hampshire.

36. On or about May 18, 2015, Keogan posted a photograph that appears to show Keogan outside while holding an assault rifle with a large-capacity magazine.

37. On or about August 22, 2015, a Facebook acquaintance told Keogan that he had purchased “all of the parts for an AR-15” and had “an 80% lower receiver... for it.” Based on my training and experience, I understand an 80% lower receiver is a vital component to build a rifle. A receiver is the part of the rifle that contains the working parts. Although there are many types of receivers, on an AR-15 discussed herein, the lower receiver typically contains the bolt carrier group, the trigger group and a magazine port. An 80% lower receiver is not considered a firearm since it is not 100% completed. Since the receiver is not considered a firearm, it does not require registration with the government. By design, the 80% lower still requires the builder to complete the last 20% of milling. An 80% lower receiver therefore allows a builder to complete a firearm themselves.

38. In the same conversation, the acquaintance offered Keogan \$200 to help drill out the lower receiver of the rifle. Keogan replied, “I have all the same stuff and access to a drill press. Just a matter of doing it.” The acquaintance then asked Keogan, “Do you have the mills for the cut outs too?” Keogan replied, “Yes, the jig I have also.” I understand this to mean that Keogan has the ability to mill (or grind) the remaining 20% of the lower receiver for the purpose of thus converting it into a fully functional firearm. I understand a jig in metalworking to be a

custom-made tool that guides another tool, such as a drill press, to control the second tool's location and motion. A jig's primary purpose is to provide repeatability, accuracy, and interchangeability in the manufacturing of products.

39. Keogan informed the acquaintance that a “[s]tandard lower will mate with a Beowulf upper and use 5.56 ... single stack which is what I want to slap together.” In this, I interpret Keogan to mean that a standard lower AR-15 lower receiver will mate with a Beowulf model upper receiver and use 5.56 caliber ammunition in a magazine that contains a single stack of ammunition. The conversation illustrates that Keogan was building and modifying rifles with interchangeable parts and was willing to help others modify weapons for a fee.

40. On or about September 26, 2015, Keogan posted a photograph depicting six black rifles and one black shotgun lined up on a wooden floor, with the caption “My black friends.”

41. On or about the same day, Keogan posted a photograph under the caption “This is what I feed ‘em,” which appears to depict dozens of boxes of ammunition on at least five shelves with small placards that appear to identify the various calibers of ammunition, as well as ammunition on the floor. Based on my training and experience, and taking both photographs in context, I believe that the caption to the second photograph is intended to convey that he uses the firearms depicted in the first picture to shoot the ammunition depicted in the second picture.

42. On or about the same day, Keogan posted a photograph of what appears to be himself standing in a residence and smiling while holding an AK-47-style assault rifle attached to four high-capacity firearm magazines taped together to form a Nazi swastika, under the caption “Swastimag is best mag.”

43. On or about the same date, Keogan posted a photograph of what appears to be

himself lying on a wooden floor next to thirteen rifles with brown wooden stocks, under the caption “I got brown friends too! ;D.” Based on my training and experience and the context of other statements made by Keogan throughout his Facebook account, I believe that many of the pictured rifles are Mosin-Nagant rifles. Although some Mosin-Nagant rifles were manufactured in or before 1898, and are thus outside the felon-in-possession prohibition, *see* 18 U.S.C. § 921(a)(3) and 18 U.S.C. § 921(A)(16), I am aware that many Mosin-Nagants were made and manufactured well after 1898. Even assuming for the sake of argument that the rifles depicted above are antiques, they nevertheless confirm that Keogan has an extensive interest in firearms and keeps or has access to an extensive number of guns.

44. On or about December 15, 2015, Keogan engaged in a Facebook conversation with another person in which he described being in Facebook “jail” for thirty days, and that Keogan’s reaction to being put in Facebook “jail” was, “Every time the commies ban me I buy another gun. That’s three from Sept- Dec. Zuckerberg supporting the 2’nd A!” Based on my training and experience, and taken in context, I understand Keogan’s reference to Facebook “jail” to mean that Facebook had banned him from posting anything publicly for thirty days, that every time Facebook banned him he (Keogan) bought another gun, and that, therefore, Facebook’s founder, Mark Zuckerberg, supported the Second Amendment.

45. From December 24, 2015, through December 31, 2015, Keogan exchanged a series of texts with another Facebook user during they appear to have negotiated the sale of an M 28/30, the Finnish version of a Mosin-Nagant rifle, to Keogan for spare parts for \$150 plus \$20 shipping using PayPal. The sale appears to be confirmed by PayPal records for Keogan that show a payment from Keogan to the seller.

46. The posts and photographs above are just a sample of similarly-themed material present throughout the PatKeogan account from January 1, 2013 through February 8, 2016.

C. GPS/Surveillance Evidence

47. Based on this and other evidence, including physical surveillance, the United States obtained a warrant to install, maintain, and/or remove a tracking device on a vehicle registered to Keogan's spouse, at their residence in Wilmington, Massachusetts. The device was installed in late April, 2016.

48. Evidence from the tracking device, a witness, and surveillance video establish that on or about May 1, 2016, Keogan purchased two boxes of 8mm rifle ammunition and two bags of loose 8mm rifle ammunition from a store in Plaistow, New Hampshire and then drove it back to the premises to be searched.

a. While reviewing the tracking software for a period that encompassed May 1, 2016, I noticed a pattern of GPS tracks traveling to Plaistow, New Hampshire. Closer examination revealed that on May 1, 2016, Keogan's vehicle appeared to have traveled to a store that sells firearms and ammunition, among other things, in Plaistow, New Hampshire, arriving at approximately 10:45 am and leaving at approximately 11:15 am.

b. On or about May 6, 2016, ATFE Special Agent Marr and I interviewed the store's owner at the store. With the help of an employee, the owner obtained the store's anti-theft security video, showed it to us, and copied it for us. The video actually consists of footage from three cameras with different vantage points within the store. The following description is a composite description of the feed from the various cameras.

c. The video shows a man who looks like Keogan enter the store just before

10:45 am. He moved throughout the store for a while. At times Keogan appeared to have picked up and examined a Mosin-Nagant rifle, an antique single shot shotgun, and various types of rifle magazines. At approximately 10:50 am, Keogan appeared to pick up two boxes of ammunition and set them on the check-out counter for later purchase. He then moved about the store. At approximately 10:54 am, Keogan appeared to examine two clear plastic bags containing loose ammunition on the check-out counter, and then returned to browsing the store. Sometime later, he appeared to engage in conversation with a store clerk, presumably about the bags of loose ammunition. Afterward, the store clerk appeared to have used the store telephone to speak with someone, presumably about the bags of loose ammunition. Eventually Keogan appeared to purchase the two boxes of ammunition, the plastic bags of loose ammunition, and what appeared to be several packages of beef jerky, all with cash. Keogan appeared to leave the store at approximately 11:14 am.

d. During our interview, the store owner identified the boxed ammunition that Keogan bought as 8mm rifle ammunition. The store owner recalled having bought 8mm rifle ammunition and .303 caliber rifle ammunition the day before Keogan was in (that is, on April 30, 2016) and having placed them in the exact location from which Keogan was seen retrieving it. During the interview, the store owner went to the location at which he had placed the boxed ammunition and noted that all of the boxes of .303 caliber rifle ammunition that he had purchased were still there, and that the 8mm caliber rifle ammunition was not.

e. During our interview, the store owner recalled that the bags of loose

ammunition purchased by Keogan had contained 20 to 25 rounds apiece of corroded World War II-era junk 8mm rifle ammunition. He recalled having received a call from the store clerk asking how much the bags should be sold for, and having answered \$5 apiece.

f. Immediately after purchasing the ammunition and leaving the store at approximately 11:15 am, the GPS tracking device showed that Keogan drove directly back to his residence in Wilmington, Massachusetts, at which he arrived at approximately 11:59 am.

D. Interstate and Foreign Commerce

49. Based on the experience and training of other agents working for the ATFE, I know that the large majority of firearms and ammunition recovered in Massachusetts crimes have been shipped or transported in interstate commerce, and that no ammunition is commercially manufactured in the state of Massachusetts. Moreover, based on the facts discussed above, there is probable cause to believe that the ammunition that Keogan bought on May 1, 2016, was transported by Keogan in interstate commerce as he traveled from the store in in Plaistow, New Hampshire, to his home in Wilmington, Massachusetts.

CONCLUSION


50. Based on the above, there is probable cause to believe that Patrick Keogan has violated 18 U.S.C. § 922(g), 18 U.S.C. § 924(a)(2), and 18 U.S.C. § 844(e) within the District of

Massachusetts and elsewhere, on or about the dates indicated above.

I declare that the foregoing is true and correct.


SPECIAL AGENT DAVID S. BELL

Subscribed and sworn to before me this day, July 25, 2016.


JENNIFER C. BOAL
CHIEF UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MASSACHUSETTS

